

Jury Duty and You

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Generally

Service on a jury is a responsibility of citizenship. Generally, all adults are eligible for jury duty. Once selected, you will be directed to report to a specific court where you will be placed in a pool of people available to sit on a jury. This article addresses some of the common questions military families have regarding jury duty.

How are prospective jurors picked?

In California, prospective jurors are selected at random from a source inclusive of a representative cross-section of the population. Sources may include customer mailing lists, telephone directories, utility company lists, lists of registered voters, or the list of licensed drivers and state identification card holders.

Do I have to take leave?

No. Coast Guard members who serve on juries shall not be charged leave or lose any pay or entitlements during the period of service.

Do I keep my jury pay and reimbursement for expenses?

All your jury pay is to be made payable to the United States Treasury. However, members may keep any reimbursement from the jury authority for expenses incurred in the performance of jury duty, such as transportation costs or parking fees.

What about a civilian spouse's income?

State law does not currently require employers to continue paying the salary of employees who are absent because of jury service. Civilian spouses should look at their employer's personnel policies regarding wages while on jury duty. Many employers, including state, federal, and some local governmental agencies, have a policy of compensating employees for at least part, if not all, of the time spent for jury service. If employers do pay, they have the right to require employees to remit to them the fees received for jury service.

Can I get out of it?

Remember, serving on a jury is one of the responsibilities of citizens. However, it is recognized that jury duty may be a hardship for some people. You may be able to change the dates of service. Also, some categories of people are automatically excused if they desire. In other cases, your reason for requesting to be excused will be evaluated on a case-by-case basis. Normally, inconvenience or a busy work schedule will not be a valid reason.

What about Active Duty members?

Your state of domicile is important. If California is not your state of domicile, you do not have to serve on a jury. If you have come to California for temporary purposes such as military assignment, without the intention of making California your permanent home, you are merely a *resident* of California. Your *domicile* is the state of your permanent home, or it is the place you regard as your home whenever you are away. There are certain indications of domicile: voter registration, vehicle registration as a resident, driver's license, and payment of income taxes on active duty military pay. For a full discussion of domicile, please see "Domicile and Residency for Military Families," provided by the Legal Assistance Branch, MLCPAC (I).

If your domicile is California and you are active duty, you may still be exempt from jury service. Federal law governs the service of active duty members of the armed forces on juries. In state courts, active duty members may be required to serve UNLESS such service:

- Unreasonably interferes with the performance of military duties; or
- Adversely affects the readiness of the member's unit.

What about civilian spouses?

The same rules regarding state of domicile apply to civilian spouses (see "**Your state of domicile is important,**" above). Note that under California law, the domicile of one spouse is not presumed to be the domicile of the other spouse, but will be determined independently.

Federal Law and Coast Guard Regulations:

It is Coast Guard policy to encourage members to fulfill their civic responsibilities to serve on juries, as long as that is consistent with their military duties. All flag officers, commanding officers, officers in charge, members whose primary function is to operate vessels or aircraft on operational missions, members assigned to training, and members assigned outside CONUS are exempt from jury duty. In all other cases, your commanding officer decides if jury duty would unreasonably interfere with your military duties or would affect unit readiness. See CG Personnel Manual, Chapter 16, Section M, and 10 United States Code Section 982 for more information.

Notice for Exempt Personnel:

If you are exempt under Coast Guard regulations, then the Coast Guard must provide written notice of the exemption determination to the responsible state or local official that summoned you as soon as possible – do not delay. A template letter for your Commanding Officer to sign and issue may be obtained from the Command and Operational Law Branch, MLCPAC (I) at (510) 437-5815.

What if I am released from jury duty?

If you or your spouse is released from jury duty, ensure the summoning official puts it in writing as soon as possible. Do not ignore it! Keep the release letter to avoid future inquiries from state or local officials regarding your summons.

Note: This general information is not a substitute for consulting an attorney. If you have questions regarding jury duty, you should call the number listed above to schedule an appointment.

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